IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.8954 of 2002

Dated: 14-11-2007

Between:

V. Rajagopalachari, s/o V. Keshavacharyulu.

... Petitioner

and

1. The District Collector, Anantapur and 4 others.

... Respondents

ORDER:

Petitioner states that he is an archaka of Sri Venkataramana Swamy temple and Sri Anjaneya Swamy temple situated at Y.T.Cheruvu, Guntakal Mandal, Anantapur District. His forefathers, thereafter his father and he have been performing archana services for more than three centuries and they are mainly living on the income derived from offering their services to Gods i.e. Sri Venkataramana Swamy and Sri Anjaneya Swamy. He further states that having regard to the said fact the authorities are duty bound to put them in time scale and also fix the cadre strength. As the scales are not extended and cadre strength is not fixed, he is permitted to enjoy the usufruct of the temple lands. In this regard, the Commissioner, Endowments Department, Hyderabad issued a Circular dated 04-12-2001 stating that till the scales are extended and

cadre strength is fixed, the lands of 6(a) and (b) temples from the archakas shall not be distributed and similarly the lands in 6(c) temples in the possession of archakas also will not be disturbed. The District Collector, Anantapur issued proceedings in Rc/Mp/145/J/2001-02 dated 05-03-2002 stating that they are alienating the temple lands as the Commissioner of Endowments has given his consent to sell some of the endowment lands. The said action is questioned in this writ petition.

2. Heard learned counsel for the petitioner and the learned Assistant Government Pleader.

3. The facts are not in dispute. Having issued the Circular, the Commissioner of Endowments ought not to have given consent to the District Collector to alienate the temple lands in favour of others. If they want to do so, insofar as these temple lands are concerned, they should have extended the time scale to the petitioner and also fix him in cadre strength. Without doing so taking away the lands that are in the possession of petitioner is contrary to the tenor of the said Circular. If the authorities so desire to alienate the said lands, they may do so, only after fixing the time scale of the petitioner and after fixing his cadre strength. Till such time, they may follow the Circular instructions dated 04-12-2001 scrupulously.

4. With the above directions, the writ petition is disposed of. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.14-11-2007
GLV